FOR MYSORE STATE

ERV **(1954) Department.**

Ms **SERIES.**

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sup

G.O. No.	443
Dated	21/4/54

[Despatch Abstract.]

M. Q. S — & Kumari P. Seethammal
Principal, Govt Arts College, Mangalore
Leave granted in relaxation of
rule under F. R 86(a)

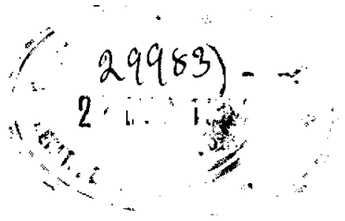
Rec'd at!

SPECIAL.
"CONFIDENTIAL". EDUCATION DEPARTMENT.

From

The Director of Public Instruction,

Madras.



To

The Secretary to Government,

Health, Education and Local Administration Department,

Madras.

R.C. No. 50 C.10/54 Dated 22--3--1954.

Sir,

Sub:- Madras Educational Service - Kumari P. Seethammal, Retired Principal - Representation to grant her leave under Fundamental Rule 86 (a) - Remarks - submitting -

Ref:- Government Memo. No.11197 Pen/54-3, dated 27-2-'54

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In submitting herewith the letter dated 3-3-1954 from Kumari P. Seethammal, formerly Principal, Government Arts College, Mangalore, requesting to grant her leave on average pay for one month and 8 days from 9-3-1954, the date of her retirement, treating it as leave under Fundamental Rule 86 (a), I have the honour to state as follows:-

2. According to Fundamental Rule 86 it would be clear that to get a title for leave beyond the date of superannuation, the Government servant should have applied for leave preparatory to retirement in sufficient time and been refused it in the public interest. Kumari P. Seethammal specifically applied for leave preparatory to retirement as such only in her letter dated 15-2-1954 (copy submitted to Government with my letter R.CL. No. 125/53-3 dated 17-2-1954) and the leave was granted promptly in my Proceedings R.C. No. 50 C.10/54 dated 17-2-54. A telegram was also sent on 17-2-1954 itself instructing Kumari Seethammal to hand over charge of her office to Sri C.V. Lobo, Officiating Lecturer in Mathematics in the College and to avail herself of the leave. Yet, she handed over charge only on the A.N. of 22-2-1954. No leave preparatory to retirement applied for by her has been refused. In her present petition to Government

2/8 cf.

Kumari P. Seethammal contends that in her letter dated 7-1-54 she applied to Government through the Director of Public Instruction for the grant of Leave preparatory to retirement from 15-1-54 and that if orders had been passed immediately, she should have proceeded on leave preparatory to retirement from that date itself. It may please been seen that her letter dated 7-1-54 (copy already submitted with my Confidential letter R.CL. No. 125/53-2, dated 12-2-1954) was addressed to the Director (and not to Government) and that it was very vague and indefinite and was not in any sense a proper application for leave preparatory to retirement. If she had really wanted to enjoy all the leave on average pay to her credit preparatory to retirement, from 15-1-1954, nothing prevented her from applying for the leave in precise terms in proper time, specially when she seems to have known earlier the exact amount of leave she was eligible for preparatory to retirement. I feel that there is also no case for special consideration of the request of Kumari Seethammal.

2/8 cf — 2 — R.

3. In the circumstances and for the reasons stated above I am not in a position to recommend the request ~~xxxxxx~~ contained in the present representation of Kumari P. Seethammal.

Yours faithfully,

r DIRECTOR OF PUBLIC INSTRUCTION.

3 CD 50 Cl0/54 V.U. 1 5/3.

Miss P. Seethammal, M.A., L.T.,
Principal, Govt. Arts College (on leave).
Manorama. 54 ST. MARY'S ROAD
Teynampet, MADRAS 18.

21266

To

The Secretary to the Government of Madras (Education Dept.)
through

Re 50 Cl0/54

The Director of PUBLIC INSTRUCTION,
Madras.

Sir,

Seethammal, Miss P.-- ~~Dizzzzzzzzzzzf~~ period ~~xxxxxxxx~~ ~~xxxxxxxxx2xx2xxxxxxxxx~~ of one month and 7 days after afternoon of 8-3-54-- request to be treated as leave on full average pay on analogy of leave asked for and refused-- submitted.

I had on 15-1-54 leave on average pay for 1 month and 21 days and on H.A.P. 7 months and 21 days as I have ascertained from the Accountant-General.

2/8 Cl

Early in January 1954 I applied to Govt. thru ~~xxxxx~~ D.P.I. for grant of the same. If orders had been passed immediately, I should have proceeded on leave (.P.R.) from that date itself.

Consideration of my independent representations to be permitted to accept employment after retirement and to intimate willingness to be re-employed under the Madras State Govt. itself if GIVEN A POST in Madras City in view of the age of my parents, appear to have resulted in final orders being passed only by about the middle of February resulting in my relief only on the afternoon of Feb. 22, 1954.

I am quite confident that Govt. could not have intended that I should forfeit any portion of the total period of L.A.P. of 1 m. 21 days which I had earned prior to the date of my application for leave. But, as I am advised the Accountant-General and the Finance Dept. will want a specific clarification of this point, I pray that Govt. may declare that I should have the benefit of the full period of leave of 1 m. and ~~7 days~~ ~~xxxxxxx~~ 21 days from the date of my relief ~~xxxxx~~ as though it had been leave granted and not availed of for no default on my part or leave refused

I am sure that Govt. will graciously grant this request of mine so that I may get for a period of about 1 m. and 7 days beyond the A.N. of 8-3-54 my leave pay instead of the smaller amount which will represent my pension allowance.

If any rules have to be relaxed, I pray that Govt. may be pleased to relax them in exercise of its inherent powers to do so in cases which would otherwise involve hardship as in my case.

I pray to be excused for xxxxxxxxxxxxxxxxxx being compelled to make this importunate request

Your Most Obedient Servant,

P. Veerthammal

3-3-54

Submitted to the Director of Public Instruction for kind favour of urgent transmission to Govt. with a strong recommendation.

P. Veerthammal

3-3-54.

Sub: M. E. S. – Kumari P. Seethammal, Retired Principal, Govt. Arts College, Mangalore – Leave granted in relaxa of rule under F.R 86(a).

Ref: From Kumari P. Seethammal letter d 3/
From the D.P.I. No. 50 E10/54 d 22/3/54

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G.O (Ms) No. 443, Edn. d 7/4/54

Under the rule published with the Pub (Ser) Dept. Notification No. 16 dated 26.1.50 at page 22 of Part I of the Fort St George Gazette, dated 7.2.19 the Governor of Madras hereby directs that rule 86(a) of the Fundamental Rules be relaxed in favour of Kumari P. Seethammal, formerly Principal, Govt. Arts College, Mangalore and that She be granted, with effect from 23.2.1954, leave on average pay for one month and twenty one days, that stood to her credit on 8.3.54, the date of her Superannuation.

1452
5/4/54

7/4/54

The D.P.I –
A.G (Edn) Fin –
Extra Copy file –
A.G by name
D. M.P.S.E. – Dtd 8/4/54.
S/E (2)
To Kumi P. Seethammal
Rtd. Prl. G.A.C. Mangalore
54. St Thomas Road

29217
22.3.54

E1

H.E.L.A. DEPT.

I understand that an application for extension of leave from Kumari P. Seethammal (formerly Principal, Mangalore College) has been sen up to us by the D.P.I. Please put up at once in a special pad. today.

22.3.54.

-A.S.Edn.-

The letter has just been recd. It can be submd to Secretary with a note to move after collecting the previous papers

S. Yes, please.

22/3/54

22.3.54

H.E.L.A.(E.I)

M.E.S. - Kumari P. Seethammal, Retd. Principal - Leave preparatory to retirement.

From ~~the~~ Kumari P. Seethammal dated 3-3-1954
From the D.P.I. No.50 C.10/54 dated 22-3-1954

The request of Kumari P. Seethammal, retd. Principal, is that she may be granted the benefit of the full leave for 1 month and 21 days, for which she was eligible, from the date of relief, i.e. from 22-2-54, preparatory to retirement, by relaxation of rules, if necessary.

Kumari Seethammal was permitted to retire from Service, on attaining the age of superannuation, on 9-3-54. On 27-12-53, she requested that she might be granted extension of service or re-employment for atleast one year from 9-3-54 in a post in Madras City as Principal of one of the First Grade Colleges. The D.P.I. recommended that in order to avoid unnecessary dislocation of college work in the middle of the academic year, she might be re-employed as Principal, Arts College, Mangalore (where she was there) from 9-3-54 to the date of closure of the College for the summer vacation of 1954. The proposal was accepted and in G.O. No.88 Fin. dated 16-2-54 orders were issued. It was considered that no case could be made out for keeping her on after the closure of the College for the vacation.

On 7-1-54, she wrote to the D.P.I. (and not to the Govt.) that "without prejudice to her application for ~~x~~ extension or re-employment, she might be permitted to retire as early as she was entitled to leave on full average pay". Her present ~~continuance~~ Contention in ~~effect~~ effect is that this letter could be treated as application for leave preparatory to retirement, in which case she could have enjoyed the leave on average pay for ~~1~~ 1 month and 21 days for which she was eligible.

Under F.R.86, leave at the credit of a Govt. Servant in his leave acct. shall lapse on the date of compulsory retirement provided that if in sufficient time before that date ~~of compulsory retirement~~ he has -

(1) formally applied for leave and been refused it,

(2) ascertained in writing that leave if applied for would not be granted --

in either case the ground of refusal being the ~~retirement~~ requirements of the public service, then the Govt. servant may be granted after the date of retirement, the amount of leave so refused subject to a maximum of six months.

The Director says that ~~her~~ Kumari Seethammal's letter dated 7-1-54 cannot treated as an proper application for leave prepatory to retirement, that she specifically applied for leave as such only in her letter dated 15-2-54, that the leave was granted promptly on 17-2-54 instructing her to hand over charge immediately, that, yet she handed over charge only on 22-2-54 A.N., that in the circumstances, she is not in a position to recommend the request contained in the present petition. The Dir. feels that there is also no case for special consideration of the request.

It seems that Kumari Seethammal's letter dated 7-1-54 cannot be treated as a proper application for leave prepatory to retirement. But, the Dir. referred that letter to the A.G. for a certificate of eligibolity for leave, in her letter dated 15-1-54. The A.G. certified the eligibility for leave on average pay for 1 month and 21 days from 16-1-54, in his letter dated 6-2-54. On 12-2-54, the Dir. communicated a copy of the A.G.'s letter to Kumari Seethammal and informed her that her letter dated 7-1-54 could not be considered as an application for leave preparatory to retirement, that if she required leave it was open to her to submit an formal application for leave preparatory to retirement and that if ~~k~~ she ~~prepar~~ preferred to avail herself of any leave there would be no question of her ~~leaving~~ leaving considered for re-employment in her ~~present~~ present post. As soon as she received that

8 cl

1-2 cl

2/15 cl

2/13 cl

2 cl

2/8 cl.

2/9-10 cl

2/10 cl

2/9 cl.

2
15 C.

that letter, Kumari Seethammal, in her letter dated 15-2-54, informed the Director that she did not want to be re-employed in Managalore and that she would therefore like to avail herself of the leave due to her. The Dir. then granted the leave.

It is submitted that the Dir could have informed Kumari Seethammal, as above, as soon as she received her letter dated 7-1-54, that there was no need to refe: and await the A.G.'s report regarding eligibility, especia when Kumari Seethammal had stated that she was entitled t leave on full average pay and that, if necessary, the Dir. could have made a reference to the A.G. separately. If t had been done, Kumari Seethammal would have immediately applied for full leave and would have been able to enjoy the leave for 1 month and 21 days. As it is, she got the benefit of the leave for only 14 days (from 21.2.54 to 8.3

In the circumstances it seems that there is a cas for showing some concession to Kumari Seethammal. Attent is invited to the minutes of the C.M. at pp. 57-58 ante wherein a sympathetic view was taken of Kumari Seethammal case for appointment as principal. If full leave for one month and 21 days is to be granted, F.R. 86(a) will have to be relaxed. This rule was relaxed in the case of Sri Ayyappan Pillai, Principal, Presidency College, in circumstances some what similar to the present case. It is for orders whether this Dept. may support the request of Kumari Seethammal in relaxation of the rules.

Fin. may see for remarks before circulation.

WB.
23.3.54

This officer has a knack of mixing up issues and creating confusion. If in her letter dt 7.1.54 she had applied for leave

from p 1 ante

4/ CO'

She would have been refused that leave in public interest and she would have got the benefit of the leave after the date of superannuation.

She would have been granted the leave if she were as was done in Feb.!

~~She has served the Govt for long period. She may ... be benefitted with ... case so that she may ... that~~

Instead of applying for the leave she introduced the question of re-employment, extension of service and permission to accept outside employment after retirement. Naturally the leave could not be sanctioned in time. She has suffered while in service adequately for her eccentricity. To avoid further frustration she may perhaps be granted leave for 1 month and 7 days more. The additional expenditure may be about Rs 500/- ~~as stated~~.

24/3/54

from p 1 Rule

DEPUTY SECRETARY (O&G) FOR FINANCE SECRETARY
32842
24 MAR 1954
FINANCE DEPARTMENT

A above This may be done, relaxing F.R. 86(a) in her favour, as a special case. The case calls for sympathetic consideration, as a matter of grace, vide Govt's ... at pp 57-58 N.F of (7). But for her obstinacy re: her re-employment, she would not have combined her requests and ~~made~~ she would have sent an application only for leave preparatory to retirement.

24.3.54

Vide Govt 29/15/2/54-24/3/54

Sri

E 1

Fin (CSR)

The proposal of HELA at A on page 4 above may be accepted. C.S. and M (F&E) should see as the proposal involves a relaxation of FR 86(4)

BR

Fin No. 32842 CSR
25384

HELA

HELA
E1

The orders from p 1 ante may be perused. The file may be circulated to M (F&E) through C.S. for orders whether F.R. 86(4) may be relaxed in favour of Kumari P. Sadhanandam, Acting Principal with a view to grant her leave for 1 month and 7 days

LWP.
31.3.54

31/8/54

M/F&E

S. Venkataraman
1.4.54.

This may be approved as a special case.
1.4.54

from p 1 ante

C.S.

1/4

M/F&E) V. Subramaniam
3.4.84

SECRETARY TO GOVERNMENT
5 APR 1954
HEALTH, EDN. & LOCAL ADMN. DEPT.

Draft enclosed
5.4.54.

HEA(E1)

The draft order submitted below is for approval

From 4 dy

7/4/54

5/4/54

7/4/54